IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 3827 of 2007(E)

PETITIONER:

THE CHAIRMAN,
CHRISTIAN EDUCATIONAL TRUST,
KOLENCHERRY, ERNAKULAM DISTRICT.

BY ADV. SRI.TONY GEORGE KANNANTHANAM
SRI.JIJI THOMAS

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HIGHER EDUCATION DEPTT.,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, PRIYADARSINI HILLS,
KOTTAYAM.

3. THE VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY, KOTTAYAM.

BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.3827/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE RECEIPT DATED 14.5.2006 FOR RS.2253/-.

EXT.P2: COPY OF COMMUNICATION DATED 31.1.2007 ISSUED BY THE 2ND RESPONDENT.

EXT.P3: TRUE COPY OF JUDGMENT DATED 29.11.2006 IN W.P.(C)NO.30609/06 OF THIS HON'BLE COURT.

EXT.P4: TRUE COPY OF COMMUNICATION DATED 3.5.2007 ISSUED FROM THE M.G. UNIVERSITY.

EXT.P5: TRUE COPY OF RECEIPT DATED 30.01.2007 FOR RS.1003/-

/TRUE COPY//

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.3827 OF 2007

DATED THIS THE 14th DAY OF JUNE, 2007

JUDGMENT

The petitioner seeks consideration of his application for affiliation filed for the year 2006-2007, for this year. The learned standing counsel submits that the petitioner has to pay the affiliation fee again. But according to the counsel for the petitioner, in view of proviso to Clause (1) of Chapter 23 of Mahatma Gandhi University Statutes, 1977 he is not liable to pay the same.

2. The said proviso reads thus:

> "provided that the applications seeking affiliation for starting Colleges/Courses received in a particular academic year on which the University has made favourable recommendations and sought the view of the Government as envisaged in Statute shall be deemed to be valid for the next succeeding year also. This will have effect from 1998-1999 academic year."

On a consideration of the rival contentions I am of opinion that when the Statue says that the application is valid for the next succeeding year that would be valid in all respects including affiliation fee paid. Therefore, there would be a direction to the University to consider the application of the petitioner for the year 2007-2008

without insisting on payment of affiliation fee again. This shall be done within a period of one month from the date of receipt of a copy of this judgment. The decision shall be communicated to the petitioner.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd